## UNITED STATES DISTRICT COURT WESTERN DISTRICT OF MISSOURI SOUTHERN DIVISION

ESM TECHNOLOGIES, INC., Plaintiff,	) ) Civil Action No. 6:10-cv-03009-RED ) Judge Richard E. Dorr
v.	)
BIOVA, LLC AND MATTHEW STEGENGA,	) ) )
Defendants.	) )

## DECLARATION OF CHRISTINE LEBRÓN-DYKEMAN

- I, Christine Lebrón-Dykeman, being sworn, hereby declare and state as follows:
- I am one of the attorneys of record for the Defendants BiOva LLC and Matthew
   Stegenga in the above captioned case.
  - 2. Attached as Exhibit 1 is a true and correct copy of U.S. Patent No. 6,946,551.
- 3. Attached as Exhibit 2 is a true and correct copy of Application No. 10/616,278 as filed with the USPTO, which eventually issued as U.S. Patent No. 6,946,551.
- 4. Attached as Exhibit 3 is a true and correct copy of an Office Action mailed by the USPTO March 23, 2004 in Application No. 10/616,278.
- 5. Attached as Exhibit 4 is a true and correct copy of the Response to Office filed July 23, 2004 with the USPTO in Application No. 10/616,278.
- 6. Attached as Exhibit 5 is a true and correct copy of a Final Office Action mailed by the USPTO October 20, 2004 in Application No. 10/616,278.

- 7. Attached as Exhibit 6 is a true and correct copy of the Response to Office Action filed February 3, 2005 with the USPTO in Application No. 10/616,278.
- 8. Attached as Exhibit 7 is a true and correct copy of Exhibit A to ESM's Response to Defendants' First Set of Interrogatories No. 1.
- 9. Attached as Exhibit 8 is a true and correct copy of Webster's Third New International Dictionary page 1109, defining "hydrolysis".
- 10. Attached as Exhibit 9 is a true and correct copy of The Condensed Chemical Dictionary 8<sup>th</sup> Ed. (1971) page 456, defining "hydrolysis".
- 11. Attached as Exhibit 10 is a true and correct copy of Webster's Third New International Dictionary page 806, defining "extracting".
- 12. Attached as Exhibit 11 is a true and correct copy of Webster's Third New International Dictionary page 1951, defining "rich".
- 13. Attached as Exhibit 12 is a true and correct copy of Webster's Third New International Dictionary page 900, defining "fraction".
- 14. Defendants have herein submitted select relevant portions of the patent file history for U.S. Patent No. 6,946,551. The entire file history may be found through the Patent Application Information Retrieval System at the U.S. Patent and Trademark Office at http://portal.uspto.gov/external/portal.

Pursuant to 28 U.S. C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed this S day of May, 2011.

Christine Lebrón-Dykeman